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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CHARLA CONN, et al.

Case No. 3:05-cv-00595 HDM (RAM)

13 Plaintiffs

PROTECTIVE ORDER TO PROTECT
CONFIDENTIALITY OF CERTAIN
MATERIALS

14 v.
15

16 CITY OF RENO, et al.

17 Defendants.
18 _____/

19 Having heard the matter on July 27, 2006, at 9:00 a.m., the Court hereby makes the following
20 findings and fact and conclusions of law:

21 Plaintiffs have sought production of the arrest and conviction records for David Clustka and
22 Dale Clustka, brothers of the decedent Brenda Clustka. Plaintiffs have represented that these records
23 are necessary for impeachment purposes should these individuals be called to testify or should their
24 names be used in conjunction with an attempt to attack the character of the decedent Brenda
25 Clustka. The defendants have objected to producing these records, citing to confidentiality
26 concerns.
27
28

1 In addition, Plaintiffs have sought the production of information relating to the Tiburon
2 software system for managing information regarding suspects and arrestees. Plaintiffs have
3 represented that they need the Tiburon information to demonstrate what would have been entailed
4 for RPD officers to flag Clustka's suicide threat and attempt in the paddy wagon and her history of
5 suicide attempts using the Tiburon software, just as her history of violent tendencies, drug abuse,
6 and mental health issues were flagged for notice in subsequent encounters. Defendants has
7 objected to producing the requested information regarding the Tiburon software program citing to
8 confidential, proprietary and protected trade secrets and City of Reno's contractual obligations to
9 safeguard those interests.
10

11 This Court finds that these documents may be produced subject to the instant protective order
12 designed to protect the confidentiality interests cited by the defendants.
13

14 Therefore, the Court authorizes defendant City of Reno to release all information in its
15 possession concerning:

- 16 (1) Arrest and conviction records for Dale Clustka;
- 17 (2) Arrest and conviction records for David Clustka;
- 18 (3) All documents reflecting the use, ability, and/or capability of the Tiburon system as
19 used by RPD officers in responding to calls and monitoring criminal suspects and
20 arrestees.
21

22 The aforementioned information may be released only to:

- 23 (1) The Federal Court, as necessary for the conduct of the civil action filed by the Plaintiff
24 therein. Any time documents produced pursuant to this protective order are to be used
25 or attached to a pleading, said pleading shall be sealed.
- 26 (2) Present and future Plaintiffs' counsel of record in this federal civil action, plaintiff
27 counsels' eyes only. Said documents are not to be disclosed to the plaintiff parties
28 absent further court order permitting such disclosure.

(3) Any experts hired by the Plaintiffs for the purpose of prosecuting or defending the litigation of the federal civil action. The information release may be used solely for the purposes of litigation and settlement of this action. The experts are to return all copies of confidential documents to counsel at the conclusion of this lawsuit.

Counsel for the Plaintiffs to the federal civil action, prior to release of any information covered by this Order to their experts or other persons to whom this Court has allowed access, shall personally serve a copy of this order on those persons. Anyone who is served by Counsel is hereby noticed by all of the provisions contained herein, and further is noticed that any violation of this Order will be grounds for a finding of contempt by this Court. At the conclusion of this lawsuit, plaintiffs' counsel are required to return to counsel for the defendants all copies of confidential documents covered by this protective order.

While this Order allows the release of the information described herein to the persons authorized herein, the Order may be subject to other limiting or protection orders issued by the instant Court.

IT IS SO ORDERED.

Dated this _____^{1st} day of August 2006.



HONORABLE ROBERT A. McQUAID, JR.